#### United States Department of Agriculture

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Subject: LTP - Conservation Security Program -Proposed Rule Listening Session

Date: February 20, 2004

To: Wavid McKay Conservation Planning Team Leader **Conservation Operations Division** Natural Resources Conservation Service Washington, DC

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Please find the enclosed transcript of the Conservation Security Program (CSP) Listening Session held in Oklahoma City, Oklahoma, on February 10, 2004. In addition to the transcript, I have enclosed the sign-in register and direct mailing lists to organizations. This listing includes all members of the State Technical Committee, the State Outreach Council, and all American Indian Tribes in Oklahoma.

To further the outreach efforts for the listening session, two press releases were published in the two largest circulation papers and provided to field offices for publishing in local papers. The listening session was well publicized and scheduled to follow a State Technical Committee meeting in an effort to encourage participation and input. However, the month of February is booked with a number of other meetings, including the state legislature being in session, all of which competed for participants' time.

In every form of communication, individuals and organizations have been encouraged to review the proposed rule and submit comments. This activity will continue until the close of the comment period.

M. DARREL DOMINICK State Conservationist

**Enclosures** 

## USDA/NRCS Listening Session on the Proposed Rule For the Conservation Security Program February 10, 2004

## Minutes of Session

Attendees:

Richard Parker, Oklahoma County Conservation District Rick Godfrey, Oklahoma Water Quality Monitoring Council

James M. Watt, Oklahoma Ag Mediation Program

Ben Pollard, Oklahoma County Conservation Commission

Bill Wilson, Haskell County Conservation District Ray West, Tulsa Metropolitan Utility Authority

Wallace Olson, Grazing Lands Rod Wanger, Farm Service Agency

Mike Thralls, Oklahoma Conservation Commission Weldon Schieffer, OSU Institute for Issue Management Bill Sharp, Oklahoma County Conservation District Don Bartolina, OK Association of Conservation Districts

Becky Ross, NRCS Darrel Dominick, NRCS Van Kozak, NRCS/EPA Randy Freeland, NRCS Jasper Parker, NRCS Joni Hays, NRCS

Aimee Lively, Express Personnel

Darrel Dominick, NRCS State Conservationist, welcomed the group to the listening session and informed them that NRCS wants their input as the proposed final rule is available for comment. He stated that NRCS wanted to provide Oklahomans the opportunity to provide their comments about this program. Darrel informed the group that Lanny Miller, Resource Specialist, NRCS Programs Staff, would provide an overview of the Conservation Security Program, and verbal comments would be encouraged after Lanny's presentation. The group was notified that minutes would be recorded of this meeting, and comments presented would be submitted to the national office in Washington, D.C. Darrel stated there is also a comment sheet available if attendees wish to provide comments in writing. Attendees at the meeting introduced themselves by stating their name and what agency/group they represent.

## Overview of Conservation Security Program – Lanny Miller, NRCS:

Lanny Miller presented a PowerPoint presentation on the Conservation Security Program (CSP). He stated that CSP is a voluntary conservation program to support ongoing conservation stewardship of agricultural lands by providing payments to producers who maintain and enhance the condition of natural resources. CSP will identify and reward those farmers and ranchers who are meeting the highest standards of conservation and environmental management on their operations. CSP will provide demonstrable environmental benefits. The conservation benefits gained will help farms and ranches be more economically and environmentally sustainable.

NRCS is in the phase of reviewing the proposed rule for the CSP, and nothing is final until the final rule is published. The CSP will reward the best and motivate the rest by recognizing producers who are stewardship leaders. The funding cap imposed this year is \$41 million, so there is not much money available for this program for the nation this initial year. Most agricultural land is eligible for CSP. Producers on cropland, orchards, vineyards, pasture, and range may apply for CSP, regardless of size, type of operation, or crops produced. Land in CRP, WRP, GRP, recently converted cropland and forest land are not eligible. An agricultural producer as defined by CSP statute ... "producer means an owner, operator, landlord, tenant, or sharecropper that - (1) shares in the risk of producing any crop or livestock; and (2) is entitled to share in the crop or livestock available for marketing from a farm (or would have shared had the crop or livestock been produced)". As defined by the CSP proposed rule, an ... "agricultural operation means all agricultural land, and other lands determined by the Chief, whether contiguous or noncontiguous, under the control of the participant and constituting a cohesive management unit, where the participant provides active personal management of the operation on the date of enrollment." Lanny stated that CSP will first be offered in watersheds with the greatest potential for improving: water quality, soil quality, and grazing land condition. Priority watersheds are those watersheds with the most pressing environmental concerns.

Ben Pollard asked if Congress put this in the statute, or is this part of the proposed rule that priority watersheds are used, and Lanny responded that it is in the proposed rule; it is an agency decision and not in the law. Rick Godfrey, representing the Oklahoma Water Quality Monitoring Council, commented that this state is similar to other states since the vast majority of the state's waters are impaired. In phase two they are trying to narrow down what impaired water is. If this is not in the law regarding priority watersheds and it is out of locally-led hands, what is the chance it will be changed mid-stream? Darrel stated that after the overview, we will give everyone the opportunity to comment.

NRCS proposes that the watershed (8-digit HUC) prioritization process will consider factors that have science-based nationwide data derived from NRI, such as: vulnerability of surface and groundwater quality; the potential for excessive soil quality degradation; and the condition of grazing land in the watershed. NRCS is seeking comment on this and other approaches to prioritize the watersheds.

Mike Thralls asked what the other resource concerns would be other than soil and water quality, and Lanny replied they would be what are recognized in Section III of the Field Office Technical Guide which are numerous (wildlife habitat, air, plants, and animals).

Lanny then discussed the three tiers: Tier I: have addressed water quality and soil quality on part of the operation; Tier II: have addressed water quality and soil quality on the entire operation and agree to address one other resource concern; and Tier III: have addressed all resources on the entire operation and agree to additional activities. Lanny stated there are four payment components that apply to all three tiers: Tier 1: 5 year contracts up to \$20,000/yr.; Tier II: 5-10 years up to \$35,000/yr.; Tier III: 5-10 years up to \$45,000/yr. There will also be an enhancement component. Lanny went over how to apply for the program, and NRCS will be seeking comments for a 60 day period which will be held through March 2, 2004.

# Written comments orally presented by Bill Wilson, Director, Haskell County Conservation District:

"Greetings,

Several changes occurring since the program's enactment have resulted in frequently changing assumptions, making the process to develop this complex rule difficult and tedious. The Natural Resources Conservation Service is to be commended on navigating this process through a continuously evolving environment.

Upon initial review, the proposal appears to have many positive features given the constraints faced during its development. In addition to the positive, my Conservation District and others have identified several issues of concern that need to be addressed in comments.

#### **Most Critical Concern**

Capped Entitlement—Although the 2002 Farm Bill proposed the CSP as an entitlement program with a \$7 billion estimated cost, the FY '03 Omnibus Appropriations Bill capped funding at \$3.77 billion over ten years. This proposed rule was written with that limitation as a constraint. However, the '04 Omnibus passed by both houses and signed by the President removes that limitation, restoring the original statutory intent. That change makes it necessary for NRCS to develop, release, and seek comments on a supplement to the rule based on CSP as an uncapped entitlement program, available to all producers as defined in the law.

### **High Priority Concerns**

Watershed Limitation---Because of the cap, rather than operating CSP as a full national program, USDA will identify and offer CSP only in high priority watersheds. According to the statute, eligible land includes "private agricultural land (including cropland, grassland, prairie land, improved pasture land, and rangeland), land under the jurisdiction of an Indian Tribe (as defined by the Secretary), and forested land that is an incidental part of an agricultural operation." No reference is made to giving preference to producers in "priority watersheds", except in the case of enhanced payments for producers who cooperate within a watershed. This underscores the need for a supplement to the rule to remove the watershed limitation once the cap was lifted.

Resource Concerns---According to the law, all resource concerns in the FOTG, such as soil, air, and water quality, wildlife and plant habitat and forest stewardship, are eligible for participation. The proposed rule requires soil and water quality to be addressed for all three tiers and places a lower priority on all other resource concerns.

Cost Share Payments---The proposed rule requires cost-share payments to be less than EQIP. The CSP law provides a cost-share limit of 75 percent---the same as EQIP, WHIP, and other cost-share programs.

Base Payments—The law requires that the 2001 national rental rate, or an appropriate rate where the national rental rate does not accurately reflect local conditions, be used to establish the CSP base payment. The proposed rule uses state and local rental rates, but reduces the base payment down to 10 percent of the already reduced rate in the law. The Farm Bill CSP report language states that "the Secretary shall not provide a rate lower than the national average rental rate."

Eligible Practices---NRCS proposes to offer a substantially reduced list of eligible practices. The law only provides two limits: animal waste transport and storage--all other practices are eligible.

## **Examples of Other Concerns and Areas of Improvement**

Requiring Work Without Payments—The rule proposes that parcels of land for which the producer cannot demonstrate control of the land for five or more years will not be eligible for CSP payments. However, that land is required to be maintained to the same conservation standard as the rest of the operation, and the land is considered within the area of the contract. Therefore, failure to maintain that standard would result in a contract violation.

Contract Limits—The statute does not address the number of contracts a producer can have. Thus, NRCS proposes not to limit the number of contracts that can be held by a participant. However, the proposed rule's definition of an agricultural operation "all agricultural land, and other lands whether contiguous or noncontiguous, under the control of the participant and constituting a cohesive management unit" is intended to encourage producers to submit a single contract.

**Sign-Ups---**The proposed rule provides for periodic sign-ups. Although not specifically addressed in the law, most of us who worked for passage of this law thought the CSP would be implemented with a continuous sign-up, allowing much greater producer access than periodic sign-ups offer.

#### In Conclusion

Next Level of Conservation—The CSP Program can bring this country to the next level of Conservation. It addresses the missing piece. We now have a program that offers the public assurance those conservations practices, which they help fund, will be maintained for long periods of time. Thus providing confidence those expenditures of public funds will produce desired outcomes. I urge the Secretary of Agriculture and the Office of Management and Budget to give this rule due diligence. Lets get it right. Anything less is unacceptable."

After Mr. Wilson spoke, Darrel polled the group in attendance to determine if anyone else in the group wished to provide comments. None of the remaining attendees asked to make verbal comments, although the majority stated they will respond with written comments to the national office. Darrel encouraged the attendees to send comments, and stated NRCS wanted to provide Oklahomans the opportunity to shape this program and work on it in our state. Darrel informed the group that the meeting would remain open until 3:00 p.m., and he wanted attendees to know that NRCS appreciates their time and efforts.

## CONSERVATION SECURITY PROGRAM LISTENING SESSION REGISTER

February 10, 2004

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